

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	Criminal Case No. 07-48-KI
)	
vs.)	ORDER
)	
OSTOJA KRSTIC,)	
)	
Defendant.)	
_____)	

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KING, Judge:

This case is stayed in its entirety pending the resolution of the appeal in United States v. Milenko Krstic, CR-7-48-BR, or the withdrawal by the United States of its Notice of Appeal in that action. The appeal in that action concerns the identical issue raised by defendant in the Motion to Dismiss that is pending in the action before me. On April 16, 2007, I deemed this case complex in accord with the terms of 18 U.S.C. § 3161(h)(8)(B)(ii). Defendant waived his rights under the Speedy Trial Act to await the Ninth Circuit's decision. I find that this continuance constitutes excludable delay under 18 U.S.C. § 3161(h)(8)(A). Specifically, the ends of justice are served by staying the case and outweigh the best interests of the public and the defendant in a speedy trial. The requested delay, to await the appellate decision concerning the correct interpretation of the statute in the Indictment, is reasonable and necessary such that the time is properly excludable according to law.

IT IS SO ORDERED.

Dated this 4th day of February, 2008.



Garr M. King
United States District Judge